

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of T.A.H., Minor.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

V

TAMMY HAWKINS,

Respondent-Appellant,

and

TERRY ZYLESTRA,

Respondent.

UNPUBLISHED

May 20, 2003

No. 245054

Ingham Circuit Court

Family Division

LC No. 00-036636-NA

Before: Whitbeck, C.J., and White and Donofrio, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor child under MCL 712A.19b(3)(g). We affirm.

The child, who tested positive for marijuana at birth, was removed as a newborn infant. The petition sought termination of parental rights at the initial disposition based on respondent-appellant's history, which included continued involvement in an abusive relationship leading to termination of respondent-appellant's parental rights to two older children.

Respondent-appellant first argues the trial court erred in terminating her parental rights because petitioner violated MCL 712A.18f by not providing any services to her to reunite her with the child. In this case, the permanency planning goal for the child was termination of parental rights at the initial disposition. The statute plainly indicates that the case service plan must include services provided to facilitate the child's return home "*or to facilitate the child's permanent placement.*" The statute was not violated, and reversal is not warranted on this basis.

Respondent-appellant also argues there was no evidence of neglect because the child was removed from her care at birth. The trial court did not clearly err in finding that MCL 712A.19b(3)(g) was established by clear and convincing evidence. MCR 5.974(I); *In re Sours*, 459 Mich 624, 633; 593 NW2d 520 (1999); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Further, the evidence did not show that termination of respondent-appellant's parental rights was clearly not in the child's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). In terminating respondent-appellant's parental rights, the trial court properly considered respondent-appellant's neglect of her two older children under the doctrine of anticipatory neglect. *In re Powers*, 208 Mich App 582, 592-593; 528 NW2d 799 (1995). In addition, the evidence showed that respondent-appellant continued to use marijuana, had lived with her abusive partner after he was released from jail in the winter of 2001/2002, and demonstrated anger management problems.

Affirmed.

/s/ William C. Whitbeck
/s/ Helene N. White
/s/ Pat M. Donofrio